

**FILED**

General Complaint Form for Pro Se Litigants

2012 OCT -2 A 11: 58

U.S. DISTRICT COURT  
N.D. OF ALABAMA  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMADarryl Wallace

CV-12-K-3504-S

(Enter above the full name(s) of the plaintiff(s) in this action.)

vs.

City of Bessemerand officers, et al,Cody Boyd

(Enter above the full name(s) of the defendant(s) in this action.)

1. At all times hereinafter mentioned, plaintiff was and still is a resident of 110814th Pl SW Birmingham, AL 35211 Plaintiff resides at  
519 Ridgewood Ave. Fairfield, AL 350642. Defendant City of Bessemer is a corporation  
incorporated under the laws of Alabama and has a main  
office at 1800 3rd Ave N Bessemer, AL 35020 and is licensed to do business  
in Bessemer, AL. Defendant's official business address  
is 1800 3rd Ave N. Bessemer, AL 35020

OR

Defendant \_\_\_\_\_

is a United States government agency.

OR

Defendant \_\_\_\_\_

is a state agency.

OR

Defendant \_\_\_\_\_ is a resident of \_\_\_\_\_

Defendant resides at \_\_\_\_\_

3. The jurisdiction of this court is invoked pursuant to deprivation of civil and constitutional rights. (List statutes.)

4. Statement of Claim

State here, as briefly as possible the FACTS of your case. Describe how each defendant is involved. Include, also the names of other persons involved, dates and places. Do not give any legal arguments. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

On October 8<sup>th</sup> 2010, I was a victim  
of excessive force, false arrest, and  
imprisonment and malicious prosecution at the  
hands of Bessemer police department. At the  
present  
time, I am unable to name every

individual involved other than officer (Daryl Boyd)  
and or detail each and every act or neglect of said  
officers. I suffered significant injuries to my  
wrist, shoulder and hip all which required surgery.  
I will continue to suffer from permanent severe physical  
and emotional trauma for years to come.

5. Relief

State briefly exactly what you want the court to do for you. Do not make legal arguments.

As a result of the above actions and damages  
I request that the court make the city of  
Bessemer and the police department be held  
accountable and pay monetary damages for my  
medical bills, pain and suffering

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10/2/12

Date

(205) 580-16045

Telephone Number

FAX Number (If Available)

Darryl D. Wallace  
Signature of Plaintiff

Darryl D. Wallace  
Name (Please Print)

519 Ridgewood Ave  
Street Address

Fairfield, AL 35064  
City, State Zip Code

NOTE: Pro se litigants must keep the Clerk of the Court informed of their correct address and telephone number during the entire lawsuit. Failure to do so is grounds for dismissal of the case.

**OPTIONAL REQUEST FOR SERVICE OF PROCESS BY CLERK**

Plaintiffs who have paid the filing fee may request the Clerk of Court to perfect service of process by certified mail by indicating below. Plaintiffs must provide service copies of the complaint, prepared summonses and pre-paid envelopes made returnable to the Clerk of Court.

NOTE: Certified mail service by the Clerk of Court on federal defendants is NOT AN OPTION for plaintiffs who pay the filing fee.

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Signature of Plaintiff

Dated: \_\_\_\_\_

7/14/06

**STATE OF ALABAMA**

**NOTICE OF CLAIM**

**COUNTY OF JEFFERSON**

This notice of claim is being made by Darryl Wallace

You are hereby notified that Darryl Wallace hereby makes claim against the City of Bessemer, Bessemer Police Chief, and officers Cody Boyd, John Doe, Jerry Doe, Joe Doe, and all other officers at the scene, and other servants, officials, agents and/or employees whose correct names and official designations are unknown at this time, in connection with the false arrest on the charge of carrying a concealed weapon, unreasonable search and seizure, unreasonable use of excessive force, false imprisonment and malicious prosecution, assault, outrage and/or infliction of emotional distress, negligence in failure to investigate, and deprivation of civil and constitutional rights under the statutes of the United States and the U.S. Constitution, of the said Darryl Wallace on or about October 8, 2010, which proximately caused the said Darryl Wallace to suffer severe damages, injuries, pain and anguish, and emotional distress, deprivation of his right to be free from illegal search and/or seizure, excessive force, and deprivation of his right to liberty, on and after October 8, 2010. The said Darryl Wallace will continue to suffer from permanent severe physical and emotional trauma for years to come for having been the victim of excessive force, falsely arrested, and imprisoned on October 8, 2010.

At the present time, the undersigned claimant is not able to individually name each servant, official, agent and/or employee or of officers other than officer Cody Boyd, and/or detail each and every act, or neglect of said police officers or detail each and every act of negligence, or the omission of duty, or willful disregard for standard police procedure which has occurred, except to say that the City of Bessemer, Bessemer Police Chief, and officers Cody Boyd, John Doe, Jerry Doe, Joe Doe, and other officers, servants, officials, agents and/or employees have acted with such willful neglect, negligence or omission so as to cause the injuries and damages of the said Darryl Wallace on and after October 8, 2010, within the city limits of Bessemer, Alabama, and legally under the municipal authority and jurisdiction of the City of Bessemer.

Please be advised that the claimant is without knowledge or information sufficient to ascertain the corporate status of the City of Bessemer, other than it being a municipality under the laws of the State of Alabama, the Bessemer Police Chief, and officers Cody Boyd, John Doe, Jerry Doe, Joe Doe, and other officers, servants, officials, agents and/or employees or their relationship to the City of Bessemer, Alabama. However, it is the claimant's belief that the City of Bessemer, Bessemer Police Chief, and officers Cody Boyd, John Doe, Jerry Doe, Joe Doe, and other officers, servants, officials, agents and/or employees are entities or corporations separate and distinct from the City of Bessemer, and, that the Bessemer Police Chief, and officers Cody Boyd, John Doe, Jerry Doe, Joe Doe, and other officers, servants, officials, agents and/or employees may be sued independently and separately in their own name and capacity, without notice of claim. Claimant does not by the filing of this notice of claim admit or concede that the said the City of Bessemer, Bessemer Police Chief, and officers Cody Boyd, John Doe,

Jerry Doe, Joe Doe. and other officers, servants, officials, agents and/or employees are one and the same with the city government entity, nor does claimant admit or concede that the notice of claim is a condition precedent for filing suit.

The claimant hereby demands that City of Bessemer, Bessemer Police Chief, and officers Cody Boyd, John Doe, Jerry Doe, Joe Doe. and other officers, servants, officials, agents and/or employees immediately furnish the claimant with the correct names and/or designations of the City of Bessemer, Bessemer Police, and officers Cody Boyd, John Doe, Jerry Doe, Joe Doe. and all other officers at the scene of the arrest, along with copies of any and all arrest reports, incident reports, or internal investigatory reports or memoranda, and investigative findings. A copy of such information should immediately be forwarded to:

**Anthony Piazza, P.C.  
Attorney and Counselor at Law  
Post Office Box 550217  
Birmingham, Alabama 35255-0217**

As a result of the above actions and damages, claimant demands from the City of Bessemer, Bessemer Police Chief, and officers Cody Boyd, John Doe, Jerry Doe, Joe Doe. and other officers, servants, officials, agents and/or employees the sum of \$100,000.00.

At the time of the occurrences mentioned herein, the said Darryl Wallace, resided at 1108 14th Place S.W., Birmingham, AL 35211, At the time of the filing of this claim, claimant resides at 1108 14th Place S.W., Birmingham, AL 35211.

Any and all replies or correspondence should be addressed to the following:

**Anthony Piazza, P.C.  
Attorney and Counselor at Law  
Post Office Box 550217  
Birmingham, Alabama 35255-0217  
Phone 205 933-1155**

If you know of any other person, firm or corporation you deem in anywise responsible for the aforesaid injury or damages, please inform claimant of the name and address of each such person, firm or corporation immediately in care of the following address.

**Anthony Piazza, P.C.  
Attorney and Counselor at Law  
Post Office Box 550217  
Birmingham, Alabama 35255-0217**

Darryl Wallace  
Darryl Wallace

STATE OF ALABAMA

COUNTY OF JEFFERSON

Before me, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared the undersigned Claimant(s), who, being by me first duly sworn, and who, being known to me, depose and say that the facts set out in the foregoing Notice of Claim are true and correct to the best of his, her or their knowledge, information and belief.

Darryl Wallace  
Darryl Wallace

Sworn to and subscribed before me this 5<sup>th</sup> day of April, 2011.

Notary Public

My Commission Expires: May 3, 2012

Received, this 5<sup>th</sup> day of April, 2011, by the Clerk of the City of Bessemer, Alabama.

By: Janice Battle